



Issue Background

The private sector owns and operates the majority of the United States' critical infrastructures. It is therefore imperative that private sector firms be able to freely exchange timely critical infrastructure information with each other and with the Government. Free flow of information helps industry and the Government better determine where infrastructure vulnerabilities exist and prevent damage to key infrastructure assets.

History of NSTAC Actions

The President's National Security Telecommunications Advisory Committee (NSTAC) has served as a model for information sharing for many years. By developing national security and emergency preparedness (NS/EP) telecommunications recommendations for the President, the NSTAC has provided a forum for developing and sharing policy information since 1982.

During its inaugural year, the NSTAC drafted a concept for an industry/Government mechanism to coordinate planning, information sharing, and resources in response to NS/EP requirements. This concept led to the establishment of the National Coordinating Center for Telecommunications (NCC) in 1984. In 1997, the NSTAC revisited its original concept for the national coordinating mechanism and recommended to the President that lead agencies designated in Presidential Decision Directive 63 consider adapting the NCC model for other critical infrastructures.

Over the past five years, the NSTAC has concentrated many of its efforts on identifying and assessing legal and regulatory obstacles to sharing critical infrastructure information and monitoring the evolution of the NCC as the Telecommunications Information Sharing and Analysis Center. For example, the NSTAC identified and assessed legal and regulatory obstacles to sharing telecommunications outage and intrusion information in 1999 in an effort to identify the legal barriers that could inhibit the information sharing process. The NSTAC also examined relevant Year 2000 (Y2K) legal and regulatory issues, particularly the success of the *Year 2000 Readiness and Disclosure Act*, as a catalyst for information sharing within industry. After an evaluation of the NCC's experiences supporting Y2K efforts, the NSTAC recommended the President support legislation similar to the *Year 2000 Readiness and Disclosure Act* that would protect critical infrastructure information voluntarily shared with the Government from disclosure under the *Freedom of Information Act (FOIA)*, which would limit liability.

Recent NSTAC Activities

Over the past few years, the NSTAC has actively encouraged the President to support legislation providing FOIA, liability, and anti-trust protections. *The Critical Infrastructure Information Act of 2002*, a section of *The Homeland Security Act of 2002*, was signed into law in November 2002, providing industry with statutory exemptions to FOIA for voluntarily shared critical infrastructure information submitted to the Department of Homeland Security. The NSTAC will continue to review whether barriers still exist to voluntarily sharing information by mapping types of information with types of barriers.